

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM HORRY COUNTY

Steven H. John, Circuit Court Judge

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NOV 25 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

QUENTIN GAUSE,

APPELLANT

SUPPLEMENTAL RECORD ON APPEAL

KATHRINE H. HUDGINS  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1330

Attorney for Appellant

ALAN WILSON  
Attorney General

JOHN W. MCINTOSH  
Chief Deputy Attorney General

DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General  
Office of the Attorney General  
PO Box 11549  
Columbia, SC 29211

(803) 734-3727

J. GREGORY HEMBREE  
Solicitor, Fifteenth Judicial Circuit  
Post Office Box 1276  
1301 2nd Ave.  
Conway, SC 29528-1276  
(843) 915-5460

Attorneys for Respondent

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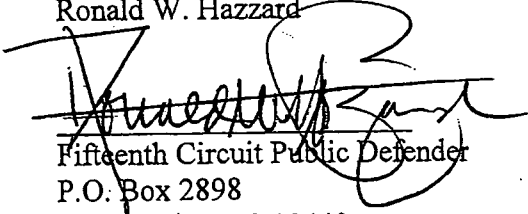
AFFIDAVIT

I Ronald W. Hazzard represented Quentin Lavant Gause at his trial for murder, burglary first degree and armed robbery in June of 2011, before the Honorable Steven H. John. One co-defendant, Ladorren Chukell Collington, was tried at the same time for accessory before the fact to burglary first degree and accessory before the fact to armed robbery. The jury found both Gause and Collington guilty. Judge John sentenced Gause to 42 years and Collington to 22 years. Mr. Gause's case is pending direct appeal and the South Carolina Court of Appeals held the case in abeyance and partially remanded the case to the circuit court for a reconstruction hearing because the grounds for a motion to sever I made prior to trial are listed in the June 2, 2011, trial transcript as "not audible on tape."

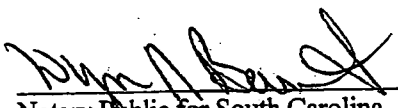
During a pre-trial motions hearing, counsel for the co-defendant moved for severance and I joined in that motion. (R. p. 181, lines 4- p. 181, lines 1-13). I noted additional grounds for severance that I wished to argue after the judge ruled on the admission of evidence of prior difficulties between the co-defendant and the deceased, Allen Smith. (R. p. 181, lines 3-13). The judge denied the motion to sever on the grounds stated but left open the motion as to any additional grounds. (R. p. 182, lines 23 - p. 183, lines 1-25).

During a later pre-trial motions hearing on June 2, 2011, I again moved for severance. (Supp. R. p. 79, lines 22-25). The grounds for my motion are listed in the transcript as "not audible on tape." I moved to sever Mr. Gause's trial from the trial of Ladorren Chukell Collington based on the fact that the State planned to introduce evidence of prior difficulties between Collington and the deceased, Allen Smith. The State summarized the evidence it proposed to submit as follows: "There are a number of threats made by the Defendant Collington directly to the victim, to the victim through a third party, an Anthony Grant, and by a note that was left at the victim's residence." ( Supp. R. p. 73 lines 11-15). In addition, the prosecution alleged that Collington broke out a window at the victim's residence. (Supp. R. p. 73, lines 16-18).

Ronald W. Hazzard

  
Fifteenth Circuit Public Defender  
P.O. Box 2898  
Georgetown, SC 29440

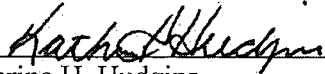
SWORN TO before me this 28<sup>th</sup>  
day of June, 2013.

 (L.S.)  
Notary Public for South Carolina  
My Commission Expires: 7-15-20

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

November 25, 2013

  
Kathrine H. Hudgins  
Appellate Defender

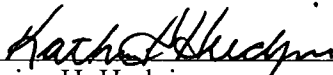
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S. C. 29211-1589  
(803) 734-1330

ATTORNEY FOR APPELLANT

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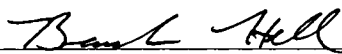
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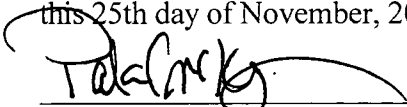
APPELLANT

\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

I certify that a true copy of the Supplemental Record on Appeal in the above referenced case has been served upon Donald J. Zelenka, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 25th day of November, 2013.

  
\_\_\_\_\_  
Brandon Hall  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me  
this 25th day of November, 2013.

  
\_\_\_\_\_  
(L.S.)  
Notary Public for South Carolina  
My Commission Expires: July 24, 2022.